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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,479	03/08/2000	Hartmut Neven	EYEM01	2224

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EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,479

Applicant(s)

NEVEN ET AL.

Examiner

Nhon (Gary) D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 08 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 10, line 6: The phrase "The message reader window 50 is a two-part window" should be changed to --The message reader window 52, shown in Figure 9, is a two-part window--.

Page 10, line 27: The phrase "an existing avatar may be edited to the satisfaction or the user" should be changed to --an existing avatar may be edited to the satisfaction of the user--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18-23 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18-23 recite the limitation "rich media client". There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "the room". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 16-19 and 35-40 are rejected under 35 U.S.C. 102(e) as being anticipated by McNerney et al (“McNerney”, US #5,999,208).

As per independent 1, McNerney teaches a rich media communication system,
comprising:

a theater including a representation associated with a person, the representation providing
a choice of visual presence (col. 5, lines 45-67 through col. 6, lines 1-28); and

a player for presenting the theater at a remote location (col. 3, lines 23-67 through col. 4,
lines 1-5).

As per independent claim 2, McNerney teaches a rich media theater controller,
comprising:

a theater window having a background presentation scene (col. 5, lines 22-44), and
a presentation control for selecting a character for a presentation in the theater, wherein
the character presentation may be selected from an avatar, a blue screen cutout of the character,
or a plain video presentation (col. 5, lines 64-67 through col. 6, lines 1-10).

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As per independent claim 3, McNerney teaches a rich media communication system, comprising:

a theater window having a representation associated with a person (col. 5, lines 45-67 through col. 6, lines 1-28), the theater having a media target onto which the person may direct media (col. 5, lines 22-32 and col. 6, lines 11-19); and

a player for presenting the theater window to a remote location (col. 3, lines 23-67 through col. 4, lines 1-5).

As per claim 4, which is dependent on claim 3, McNerney teaches the person may drop a predetermined theater into the theater window to generate a custom theater window (col. 5, lines 45-64).

As per claim 5, which is dependent on claim 3, McNerney teaches the person may drop an avatar into the theater window to generate an avatar image within the stage (col. 5, lines 64-67).

As per claim 6, which is dependent on claim 3, McNerney teaches the theater includes a stage having a plurality of media targets, and rich media may be dropped on the stage for display in the media targets (col. 6, lines 11-67 through col. 7, lines 1-33).

As per claim 7, which is dependent on claim 6, McNerney teaches media dropped onto the stage is presented in the first available media target (col. 6, lines 11-67 through col. 7, lines 1-33).

As per claim 8, which is dependent on claim 6, McNerney teaches a still image is dropped onto a particular media target and the still image is shown presented in the particular media target (col. 5, lines 64-67 through col. 6, lines 1-10 and col. 7, lines 5-11).

As per claim 9, which is dependent on claim 6, McNerney teaches a video stream is dropped onto a particular media target and the video stream is shown presented in the particular media target (col. 7, lines 5-33).

As per claim 10, which is dependent on claim 6, McNerney teaches audio media dropped on the stage is played by the system (col. 4, lines 20-60 and col. 6, lines 11-67 through col. 7, lines 1-33).

As per independent claim 11, McNerney teaches a rich media communication system, comprising:

a theater having a background presentation scene (col. 5, lines 22-44) with rich media targets (col. 5, lines 22-32 and col. 6, lines 11-19) and having an avatar representation associated with a person, the avatar representation being driven by visual sensing of the person (col. 5, lines 45-67 through col. 6, lines 1-28), and

a player for presenting the theater at a remote location (col. 3, lines 23-67 through col. 4, lines 1-5).

As per independent claim 16, McNerney teaches a rich media communication system, comprising:

a theater including a visual representation associated with a person (col. 5, lines 45-67 through col. 6, lines 1-28); and

a communicator for presenting the theater to a remote location using a rich media messaging directory service (608 of fig. 4; col. 6, lines 15-19).

As per independent claim 17, McNerney teaches a rich media communication system, comprising:

a theater for providing rich media presentations which include a visual representation associated with a person (col. 5, lines 22-44 and col. 6, lines 11-19); and

an online directory for locating users capable of communicating with rich media presentations (608 of fig. 4; col. 6, lines 15-19).

As per claim 18, which is dependent on claim 17, McNerney teaches the directory includes a user's personalized address book (608 of fig. 4; col. 6, lines 15-19).

As per claim 19, which is dependent on claim 17, McNerney teaches the directory includes a listing of users (col. 6, lines 15-19).

As per independent claim 35, McNerney teaches a method for generating and rendering rich media communications, comprising:

receiving media elements from a plurality of media sources and generating a multiplexed rich media communication bit stream; transmitting the bit stream to a receiver; decomposing the bit stream into rich media elements; and rendering the rich media elements to generate a rich media theater (col. 4, lines 9-60).

As per independent claim 36, it is a similar scope to claim 2; therefore, it should be rejected under similar rationale.

As per independent claim 37, it is a similar scope to claim 3; therefore, it should be rejected under similar rationale.

As per independent claim 38, it is a similar scope to claim 11; therefore, it should be rejected under similar rationale.

As per independent claim 39, it is a similar scope to claim 16; therefore, it should be rejected under similar rationale.

As per independent claim 40, it is a similar scope to claim 17; therefore, it should be rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Liles et al ("Liles", US #5,880,731).

As per claim 12, which is dependent on claim 11, McNerney does not disclose the avatar representation may have selectable behaviors. Liles discloses that in col. 7, lines 18-42 and col. 9, lines 33-52. It would have been obvious to an artisan at the time of the invention to use the teaching from Liles of the avatar representation may have selectable behaviors in McNerney's system since it would convey a desired emotion and/or state of mind to another participant in the communication.

8. Claims 13-15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Maurer et al ("Maurer", US #6,727,231).

As per claims 13 and 14, which are dependent on claim 11 and 13 respectively, McNerney does not disclose the visual sensing is performed by a sensor using wavelet-based feature tracking and wherein the tracking sensor may be trained with varying expressions of the person. Maurer discloses that in col. 1, lines 33-67. It would have been obvious to an artisan at the time of the invention to use the teaching from Maurer of the visual sensing is performed by a

sensor using wavelet-based feature tracking and wherein the tracking sensor may be trained with varying expressions of the person in McNerney's system since it would provide a significant need for a vision based motion capture systems that implements convenient and efficient facial feature sensing.

As per claim 15, which is dependent on claim 11, this claim is rejected under the same rationale as claim 13 and 14.

As per independent claim 32, this claim is rejected under the same rationale as claims 2 and 14.

9. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Balma et al ("Balma", US #6,157,945).

As per claim 20, which is dependent on claim 17, and claims 21 and 22, which are both dependent on claims 20, McNerney does not disclose the directory includes a rich media card having a user's rich media communication parameters for communicating with the user, wherein the rich media card of a user may be transmitted to another user, and wherein a user's rich media card may be requested by another user. Balma discloses that in col. 4, lines 17-36. . It would have been obvious to an artisan at the time of the invention to use the teaching from Balma of including a rich media card having a user's rich media communication parameters for communicating with the user, wherein the rich media card of a user may be transmitted to another user, and wherein a user's rich media card may be requested by another user in

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McNerney's system since it would allow routing or forwarding of communications to the user, using the mode of communication preferred by the user to a location preferred by the user.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Weishut et al ("Weishut", US #5,923,737).

As per claim 23, which is dependent on claim 17, McNerney does not disclose the directory includes user blocking wherein a user may block rich media communications from selected other users. Weishut discloses that in col. 5, lines 31-46. It would have been obvious to an artisan at the time of the invention to use the teaching from Weishut of the directory includes user blocking wherein a user may block rich media communications from selected other users in McNerney's system since it would limit who has access to the rich media communications.

11. Claims 24, 30, 31, 33, 34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Honda (US #6,020,885).

As per independent claim 24, McNerney does not disclose a rich media communication system, comprising a status window indicating rich media communications received, the user's visibility to other users, the user's availability to other users, and the user's automatic response to rich media communication messages from other users. Honda discloses that in col. 24, lines 26-54. It would have been obvious to an artisan at the time of the invention to use the teaching from Honda of a status window indicating rich media communications received, the user's visibility to other users, the user's availability to other users, and the user's automatic response to rich media

communication messages from other users since it would allow the user to make sure of the users existing in the rich media communication system.

As per independent claim 30, McNerney teaches a rich media communication system, comprising:

a theater window having a representation associated with a person (col. 5, lines 45-67 through col. 6, lines 1-28), the theater window having a stage onto which the person may direct rich media (col. 5, lines 22-32 and col. 6, lines 11-19); and

McNerney does not disclose a client for publishing the theater window to a rich media website. Honda discloses that in col. 11, lines 20-67 through col. 12, lines 1-28. It would have been obvious to an artisan at the time of the invention to use the teaching from Honda of a client for publishing the theater window to a rich media website in McNerney's method since the theater window can be provide to unspecified users worldwide with ease and at low cost.

As per independent claim 31, McNerney does not disclose a rich media communication system, comprising a message center having a message reader, the message reader having a text message window and a rich media presentation window, wherein the rich media window may be toggled off such that a user may first read only the text message before requesting transmission of a rich media message for presentation in the presentation window. Honda discloses that in fig. 21-28. It would have been obvious to an artisan at the time of the invention to use the teaching from Honda of a rich media communication system, comprising a message center having a message reader, the message reader having a text message window and a rich media presentation

window, wherein the rich media window may be toggled off such that a user may first read only the text message before requesting transmission of a rich media message for presentation in the presentation window in McNerney's system since it would reduce network traffic and time to request unwanted rich media messages.

As per independent claim 33, McNerney does not teach a rich media communication system, comprising: a server infrastructure for providing web hosting, message hosting and communication services; at least one content client that includes an authoring tool for generating a rich media communication; and a plurality of communicator clients for displaying, using the server infrastructure, the rich media communication at remote locations

Honda discloses a server infrastructure for providing web hosting, message hosting and communication services (fig. 18); at least one content client that includes an authoring tool for generating a rich media communication (fig. 18, col. 20, lines 12-26); and a plurality of communicator clients for displaying, using the server infrastructure, the rich media communication at remote locations (fig. 18, col. 20, lines 12-26). It would have been obvious to an artisan at the time of the invention to use the teaching from Honda of a server infrastructure for providing web hosting, message hosting and communication services; at least one content client that includes an authoring tool for generating a rich media communication; and a plurality of communicator clients for displaying, using the server infrastructure, the rich media communication at remote locations in McNerney's method since the rich media communication system can be provide to unspecified users worldwide with ease and at low cost.

As per claim 34, which is dependent on claim 33, McNerney does not disclose the communicator client includes a message center, a renderer, and an encoder. Honda discloses that in col. 26, lines 3-10. It would have been obvious to an artisan at the time of the invention to use the teaching from Honda of the communicator client includes a message center, a renderer, and an encoder in McNerney's method since it would allow the user to communicate with others via on-line message center.

As per independent claim 41, it is a similar scope to claim 30; therefore, it should be rejected under similar rationale.

12. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Herrick et al ("Herrick", US #5,778,222).

As per independent claim 25 and claims 26, 27, 28 and 29, which are dependent on claims 25, 26, 27 and 27 respectively, McNerney teaches a rich media communication system, comprising:

a rich media client for communicating rich media communications between users (col. 5, lines 45-67 through col. 6, lines 1-28), and

McNerney does not disclose a directory for organizing rich media communication users into user defined communities, the communities are organized in hierarchical levels, predetermined hierarchical levels are associated with a user who acts as a moderator for the level, the moderator may control access to the associated level including blocking of a particular user accessing the room, and wherein the hierarchical levels comprise cities, where the cities

include neighborhoods, the neighborhoods include houses, and the houses have rooms. Herrick discloses that in col. 1, lines 37-55. It would have been obvious to an artisan at the time of the invention to use the teaching from Herrick of a directory for organizing rich media communication users into user defined communities, the communities are organized in hierarchical levels, predetermined hierarchical levels are associated with a user who acts as a moderator for the level, the moderator may control access to the associated level including blocking of a particular user accessing the room, and wherein the hierarchical levels comprise cities, where the cities include neighborhoods, the neighborhoods include houses, and the houses have rooms in McNerney's system since it would limit access to the system to prevent unauthorized use of sensitive data.

13. The examiner crosses out the "Invitation To Pay Additional Fees for PCT/US01/05625" line in the 1449 form because it is not relevant.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. No. 6476830 to Farmer, Randy et al. discloses virtual objects for building a community in a virtual world.

US Pat. No. 6212547 to Ludwig, Lester F. et al. discloses UTP based video and data conferencing.

US Pat. No. 6249292 to Christian, Andrew D. et al. discloses technique for controlling a presentation of a computer generated object having a plurality of movable components.

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Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kistine L Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen
December 16, 2002

Kristine Kincaid
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